

EXHIBIT 1

**[*PROPOSED*] ORDER GRANTING TRUSTEE'S MOTION *IN LIMINE*
NUMBER 1 TO EXCLUDE TESTIMONY OF THOMAS S. RESPESS, III**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

**[PROPOSED] ORDER GRANTING TRUSTEE’S MOTION *IN LIMINE*
NUMBER 1 TO EXCLUDE TESTIMONY OF THOMAS S. RESPESS III**

Upon consideration of the Trustee’s Motion *in Limine* Number 1 to Exclude the Testimony of Thomas S. Respass, III (the “Motion”) dated October 28, 2016, ECF No. ____, filed by Irving H. Picard, as trustee (“Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the substantively consolidated estate of Bernard L. Madoff (“Madoff”); the Declaration of David J. Sheehan in Support of Trustee Motions *in Limine* Numbers 1–4 dated October 28, 2016, ECF No. ____; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on _____ (the “Hearing”); and the Court having reviewed the Motion, responsive pleadings, the arguments of

counsel at the Hearing and the record in this case; and for the reasons set forth in the transcript of the Hearing on the Motion, **IT IS HEREBY:**

ORDERED, that the relief requested in the Motion is granted to the extent set forth herein; and it is further

ORDERED, that Thomas S. Respass, III shall not be permitted to testify as a fact or expert witness, in the affirmative or in rebuttal to the Trustee's evidence, at the evidentiary hearing on the Trustee's Motion for an Order Affirming Treatment of Profit Withdrawal Transactions (ECF No. 10660); and it is further

ORDERED, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: _____
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE